

1 **ROBERT A. RYAN, JR., County Counsel**  
2 **JOHN E. REED, Deputy County Counsel**  
3 **[State Bar No. 178142]**  
4 **COUNTY OF SACRAMENTO**  
5 **700 H Street, Suite 2650**  
6 **Sacramento, CA 95814**  
7 **Telephone: (916) 874 5571**  
8 **Facsimile: (916) 874-8207**  
9 **File No.: 460.05A**

10 **Attorneys for County of Sacramento**

11 **BEFORE THE**  
12 **STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

13 **In the Matter of the Notice and Order**  
14 **Pertaining to:**

**OAH No. 2008 100665**

15 **DIXON PIT LANDFILL**

**LOCAL ENFORCEMENT AGENCY**  
**REPLY BRIEF**

16 **Guy Kalwani/ Super Pallet Recycling**  
17 **Corp.**  
18 **Jasmall Singh/ Five Star Auto and**  
19 **Towing.**

**Date: November 17, 2009**  
**Time: 9:30 A.M.**

20 **Appellant(s).**  
21 \_\_\_\_\_/

22 In a letter dated September 17, 2009, counsel for the Board members of CIWMB,  
23 acting on behalf of those members, accepted a stipulation from counsel regarding a  
24 briefing schedule and set that schedule accordingly (attachment 1). The schedule directed  
25 that the written arguments of both appellant and the LEA as to the nine legal arguments  
26 identified by appellant's notice of appeal be filed by October 26, 2009. The LEA has  
27 complied with this order. The schedule also directed that respondent's (LEA's) potential  
28 notice to dismiss and appellant's potential motion to present additional relevant facts, as  
to any LEA actions or inactions not subject to review by the hearing officer (along with  
an explanation as to why that matter was not presented to the hearing officer at the prior  
hearing) also be submitted on October 26, 2009.

The schedule then provides for subsequent briefing on November 2, 2009.  
Specifically written arguments opposing any submitted motion to dismiss or motion to

1 present additional facts and written arguments of CIWMB staff. Lastly, the scheduling  
2 order specifically directs the submission of the briefs via electronic service of PDF  
3 copies.

4 The LEA has diligently complied with the directives of the Board's counsel. The  
5 LEA's brief was filed via PDF on October 26, 2009 (attachment 2). Within that brief the  
6 LEA very clearly articulated its preliminary request that the Board not hear the appeal at  
7 all for the reasons stated within. This was very clearly identified in the LEA's brief, both  
8 within the body of the argument itself and in numerous footnotes which addressed  
9 procedural issues. Appellant on the other hand has completely disregarded the scheduling  
10 order established by the Board's counsel

## 11 12 **MOTION TO STRIKE APPELLANT'S BRIEF**

### 13 **1. Failure to comply with service requirements.**

14 Appellant disregarded a very clear and simple requirement that its brief be served  
15 on all counsel by electronic delivery of a PDF copy of its brief by close of business on  
16 October 26, 2009. Instead, appellant took it upon itself to hand deliver a hard copy to  
17 CIWMB, which provided only one of two CIWMB counsel with a copy, on October 26,  
18 2009. Appellant put the LEA's copy in the mail (attachment 3).

19 Based on appellant's disregard for the specific directives of CIWMB counsel, the  
20 LEA asks that appellant's brief be stricken in its entirety. Appellant's actions prejudiced  
21 the LEA and CIWMB staff by depriving them of vital time in which to review and  
22 respond to appellant's brief. The time for reply was already very constricted, only five  
23 working days. Appellant's actions cut into this considerably.

24 Appellant's disregard for simple procedural requirements is also consistent for the  
25 disregard appellant has shown for such procedures throughout the underlying hearing. As  
26 previously stated, appellant blatantly disregarded the requirement for a written statement  
27 of facts when it filed its notice of defense and appellant disregarded well established  
28 appellate procedures by requesting this Board to review issues that it never raised before

1 the hearing officer. Appellant has very clearly established a pattern of contempt for the  
2 rules of this Board. The LEA requests that appellant's contempt be rewarded by striking  
3 appellant's brief.

4 **2. Failure to comply with the directions of Board counsel and identify new**  
5 **matters.**

6 Mr. Bock's September 17, 2009, letter directs appellant to include within its  
7 October 26, 2009, brief any potential motions to present additional facts as to any LEA  
8 action or inaction not subject to review by the hearing officer (along with an explanation  
9 as to why the matter was not presented at the prior hearing). The LEA was then to be  
10 given an opportunity to respond to that motion in this brief. Simply put, the Board's  
11 counsel directed the parties to this appeal to clearly spell out any new materials to be  
12 considered, so that those new items could be reviewed by the Board for possible  
13 consideration pursuant to PRC 45032(a). Absent inclusion in the original record, any new  
14 materials must be assessed for relevancy and a determination must be made as to whether  
15 or not the materials should be considered to effectuate and implement the policies of  
16 Division 30. Requiring a clearly defined submission of new materials was counsel's  
17 efforts to assist this board in that determination.

18 As with many other procedural requirements appellant has completely chosen to  
19 disregard this Board counsel's directives. Instead of a separate motion, or at least spelling  
20 out a motion to consider new materials in its brief, appellant has shoe-horned in a number  
21 of new materials, not included in the original record as attachments. Appellant has then  
22 referenced these materials within its statement of facts, with no effort whatsoever to have  
23 them considered and assessed by the Board, as described in PRC 45032(a).

24 The materials appellant attaches include:

- 25 1. A letter to attorney Don Wanland, counsel for non-appellant Five Star  
26 Towing, from the Regional water Quality Board dated July 9, 2009. This  
27 document post dates the conclusion of the hearing. It is from an agency  
28 that does not have jurisdiction over this matter and it is to counsel for the

1 operator, who is not appealing. There is no request that the Board  
2 consider this document and it is irrelevant. It is requested that this  
3 document be stricken from consideration.

4 2. A September 25, 2006 letter from Jasmail Singh with an attached, what  
5 appears to be incomplete) SWF permit application. This document was  
6 not part of the record on appeal, was not considered by the ALJ. It pre-  
7 dates the hearing by several years. No effort was made to explain why it  
8 was not submitted to the ALJ and it is irrelevant, as it was never  
9 submitted or processed. The current SWF permit is part of the  
10 administrative record as exhibit C.

11 3. Documents from a Sacramento County Superior Court case (no. 34-  
12 2009-00045260). These documents were not considered by the ALJ.  
13 Appellant has filed no motion with the Board to consider these materials.  
14 They are irrelevant to the issues considered by the ALJ and the case post  
15 dates the hearing.

16 As to each of these attachments, the LEA asks they be stricken for failure to  
17 identify and for lack of compliance with PRC 45032(a).

18 The Superior Court case has nothing to do with the LEA. Pursuant to PRC  
19 45032(b) this Board can only overturn an LEA action if it finds that the LEA acted or  
20 failed to act in a manner inconsistent with Division 30. The documents submitted by  
21 appellant give no real context, but they are documents from a civil case between the  
22 owner and the operator to which the LEA is not a party. While there is no showing as to  
23 the relevance of these documents generally, they certainly do not describe an LEA action  
24 or inaction and are therefore irrelevant to the issues to be considered at this hearing.

25  
26 **THE LEA'S MOTION TO CONSIDER ADDITIONAL DOCUMENTS**

27 Pursuant to Public Resources Code Section 45032(a), the LEA asks the Board to  
28 consider additional materials that were not before the hearing officer. These documents

1 consist of the LEA inspection reports for the facility for the months of May, 2009 through  
2 October 2009 (attachment 4) and a summary prepared by LEA staff of all landfill gas  
3 violations at the Dixon Pit landfill from October the issuance of the N&O until October 7,  
4 2009 (attachment 5).

5 As to each of these documents, they all post-date the hearing and thus, were not  
6 available to the LEA at hearing, which is why they were not submitted.

7 The documents are records of the Local Enforcement Agency, as well as CIWMB

8 The documents are certainly relevant to this issue at hand, which is the compliance  
9 of the facility with 27 CCR 20921.

10 The documents are certainly relevant to the LEA's actions, as the LEA continues  
11 to regulate this facility for compliance with Division 30.

12 Lastly, the documents are certainly relevant to this Board in effectuating and  
13 implementing the policies of Division 30, as the underlying hearing involved the LEA's  
14 efforts to bring this facility into compliance, an effort that has been resisted. The new  
15 documents demonstrated the LEA's continued struggle to effectuate compliance and  
16 appellant's continued aversion to compliance.


### 17 CONCLUSION

18 As stated in the LEA's previous brief, the LEA's action was to implement and  
19 enforce a regulation that held that appellant's lack of compliance presented an immediate  
20 risk of harm to the health of the public. That action is consistent with Division 30. The  
21 LEA asks that this Board uphold that action.

22 Dated: 11-2-09

Respectfully submitted,

23  
24 ROBERT A. RYAN, JR., County Counsel  
Sacramento County of California

25  
26 By   
27 JOHN E. REED  
28 Deputy County Counsel

## ATTACHMENT 1



LINDA S. ADAMS  
SECRETARY FOR ENVIRONMENTAL  
PROTECTION

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER  
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025  
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September 17, 2009 (Sent Via Email as PDF)

Patrick K. Markham, Esq.  
Jacobson Markham, LLP  
8950 Cal Center Drive, Suite 210  
Sacramento, CA 95826

John Reed, Esq.  
County of Sacramento  
700 H St., Ste. 2650  
Sacramento, CA 95814

Steven Levine  
CIWMB  
PO Box 4025  
Sacramento, CA 95812

Re: Appeal Before the California Integrated Waste Management Board In the Matter of the Notice  
& Order Pertaining to: Dixon Pit Landfill  
OAH No. 2008 100665

Gentleman:

Pursuant to our discussion this morning, as counsel for the Board members of the California Integrated Waste Management Board (CIWMB) and acting on their behalf, the stipulation proposed by the parties hereto regarding a hearing schedule for the above proceeding is accepted and thus the schedule shall be as follows:

October 26, 2009: The following shall be submitted to the CIWMB (see below for submission procedure):

1. The written arguments of Appellant and Respondent on the nine legal bases for the appeal as set forth in Appellant's Notice of Appeal dated 8/3/09;
2. Respondent's potential motion to dismiss and Appellant's potential motion to present additional relevant facts as to any LEA actions or inactions not subject to review by the underlying hearing officer (along with an explanation as to why the matter was not presented at the prior hearing); and
3. The full record before the hearing officer in the underlying OAH appeal. (We understand that the transcript should be completed by mid-October and further affirm that the exhibits (including pleadings and briefs) may be the parties' copies accompanied by a stipulation attesting to the record's completeness);



November 2, 2009: The following shall be submitted to the CIWMB:

1. Written arguments opposing any submitted motion to dismiss or motion to present additional facts. (Please note that The Board members may be ruling on any submitted motions based upon the written arguments alone); and
2. The written arguments of CIWMB Staff.

November 17, 2009: The Hearing shall take place at 9:30 am, or as soon thereafter as the matter may be heard, at:

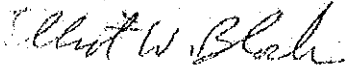
California Environmental Protection Agency Building  
Byron Sher Auditorium  
1001 "P" St., 2<sup>nd</sup> FL  
Sacramento, CA 95812

Submission Procedures: All submissions (other than the underlying record) shall be submitted as PDF attachments to emails sent to the following recipients:

Elliot Block: [eblock@ciwmb.ca.gov](mailto:eblock@ciwmb.ca.gov)  
John Markham: [jmarkham@jacobsonmarkham.com](mailto:jmarkham@jacobsonmarkham.com)  
John Reed: [reedjo@saccounty.net](mailto:reedjo@saccounty.net)  
Steven Levine: [slevine@ciwmb.ca.gov](mailto:slevine@ciwmb.ca.gov)

Thank you for your cooperation in this matter.

Sincerely,



Elliot Block  
Chief Counsel  
California Integrated Waste Management Board



## ATTACHMENT 2

**Reed. John**

---

**From:** Reed. John  
**Sent:** Monday, October 26, 2009 3:55 PM  
**To:** 'Block, Elliot'; 'Levine, Steve'; 'Pat Markham'  
**Attachments:** DixonPitLandfill.pdf

Attached are the LEA's written arguments as directed in the September 17, 2009 letter from Mr. Block.

I forwarded a copy of the reporter's transcripts over to Mr. Levine several days ago. Unfortunately each day's transcript starts with page 1. In my citations to the reporter's transcript I identify the date, followed by RT, then the page number. Hopefully that will not be too confusing.

There was no success arriving at a stipulated clerk's transcript (exhibits, briefs' orders, etc.). Pursuant to discussions with Mr. Levine, I understood that the clerk's record could be submitted in the next few days. At present my plan is to hand carry a hardcopy of the clerk's transcript I created and utilized and deliver it to Mr. Levine's office, hopefully by noon tomorrow. It is in exhibit order and Judge Frink was good about marking all of our briefs and orders as exhibits. I believe it to be complete, with the exception of a few of appellant's documents that I may not have. I didn't refer to many of appellant's documents, so I'm not sure.

I'll be working on an index tonight. In the event I determine I don't have a document I'll let Mr. Markham know and he can supplement if he wishes. If there is any problem with this plan, let me know.

11/2/2009

## ATTACHMENT 3

**Reed. John**

---

**From:** Reed. John  
**Sent:** Tuesday, October 27, 2009 9:02 AM  
**To:** 'Pat Markham'; 'Block, Elliot'; 'Levine, Steve'  
**Subject:** RE:

This will be the point in time where I enter a motion to strike SP's brief for failure to comply with the written directions in Mr. Block's September 17, 2009 letter. The letter directed PDF service via e-mail of the briefs on each of the four attorneys by close of business last night. The LEA has now been prejudiced to the tune of 16 hours and counting. Please note, I referenced the September 17 letter in my transmission, which was sent at 3:55 p.m. Despite this, appellant still chose to ignore the directions of Board counsel and serve me via snail mail. Please include this motion in the record before the Board and I will address it along with the rest of the LEA's request not to hear, as it is further indicative of similar issues already raised in the County's brief.

---

**From:** Pat Markham [mailto:ptmarkham@jacobsonmarkham.com]  
**Sent:** Monday, October 26, 2009 5:19 PM  
**To:** Reed. John; 'Block, Elliot'; 'Levine, Steve'  
**Subject:** RE:

Super Pallet's brief was hand served on the CIWMB today and served by mail on all counsel. Please let me know if anyone would like it emailed as well?  
 Pat

---

**From:** Reed. John [mailto:reedjo@saccounty.net]  
**Sent:** Monday, October 26, 2009 3:55 PM  
**To:** Block, Elliot; Levine, Steve; Pat Markham  
**Subject:**

Attached are the LEA's written arguments as directed in the September 17, 2009 letter from Mr. Block.

I forwarded a copy of the reporter's transcripts over to Mr. Levine several days ago. Unfortunately each day's transcript starts with page 1. In my citations to the reporter's transcript I identify the date, followed by RT, then the page number. Hopefully that will not be too confusing.

There was no success arriving at a stipulated clerk's transcript (exhibits, briefs' orders, etc.). Pursuant to discussions with Mr. Levine, I understood that the clerk's record could be submitted in the next few days. At present my plan is to hand carry a hardcopy of the clerk's transcript I created and utilized and deliver it to Mr. Levine's office, hopefully by noon tomorrow. It is in exhibit order and Judge Frink was good about marking all of our briefs and orders as exhibits. I believe it to be complete, with the exception of a few of appellant's documents that I may not have. I didn't refer to many of appellant's documents, so I'm not sure.

I'll be working on an index tonight. In the event I determine I don't have a document I'll let Mr. Markham know and he can supplement if he wishes. If there is any problem with this plan, let me know.

---

**COUNTY OF SACRAMENTO EMAIL DISCLAIMER:**

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If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

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11/2/2009

## ATTACHMENT 4



California Integrated Waste Management Board

## Closed Disposal Site Inspection Report

Page 1 of 2

Enforcement Agency: County of Sacramento, LEA		For Official CIWMB Use Only Received Date	
FACILITY FILE NUMBER (99-XX-9999) 34-AA-0007		INSPECTION DATE (MM/DD/YYYY) 05/26/2009	
PROGRAM CODE (Select only one code) <input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In:	Inspection Time
		Time Out:	<input type="radio"/> Attachments On File (Not Scanned)
Facility Name DIXON PIT LANDFILL		Received By (Operator) Signature U.S. Mail & Fax	
Facility Location 8973 ELK GROVE-FLORIN ROAD		Owner Signature (if present) N/A	
Inspector Patrice Webb		Also Present (Name) Lea Gibson	

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 38 OF THE PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).

THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21160 - POSTCLOSURE MAINTENANCE	<input checked="" type="radio"/>	<input type="radio"/>	21160 - DRAINAGE/EROSION CONTROL	<input checked="" type="radio"/>	<input type="radio"/>
21180 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS	<input type="radio"/>	<input type="radio"/>
GAS MONITORING AND CONTROL SYSTEMS	<input type="radio"/>	<input type="radio"/>	20790 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20910 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20930 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20910 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21180 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20910.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY	<input type="radio"/>	<input type="radio"/>
20921 - GAS MONITORING AND CONTROLS	<input checked="" type="radio"/>	<input type="radio"/>	20930 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20923 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20925 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20931 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS	<input type="radio"/>	<input type="radio"/>
20932 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20934 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20937 - CONTROL	<input checked="" type="radio"/>	<input type="radio"/>	CLOSURE PLANS	<input type="radio"/>	<input type="radio"/>
GRADING/FINAL COVER	<input type="radio"/>	<input type="radio"/>	21800 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20950 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21800 - REVISION OF APPROVED PLANS FOR C/PC MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER	<input type="radio"/>	<input type="radio"/>
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

1. **VIOLATION - 27CCR 20921 GAS MONITORING AND CONTROL:** The LEA conducted landfill gas monitoring at LFG probe 10-2, a landfill gas boundary probe. Landfill gas monitoring of 10-2 revealed 8.1% methane at the site boundary. State Law requires that the concentration of methane gas migrating from the disposal site not exceed 5% by volume in air at the site boundary. Operator is hereby ordered to take immediate steps to reduce landfill gas at the site boundary to regulatory compliance levels.

2. **VIOLATION - 27 CCR 20937 LANDFILL GAS CONTROL:** As per the notice issued by the LEA dated 1-28-09 the site owner/operator was directed to submit a landfill gas remediation plan to address landfill gas at the site boundary. As per regulatory requirements the landfill gas remediation plan was to describe the nature and extent of the problem and the proposed remedy. This plan was to have been reviewed and approved by the LEA and the CIWMB and implemented within 60 days of the date of the notice dated 1-28-09. The due date for this plan was March 30, 2009. As of this date, an approved remediation plan is not in place. On May 08, 2009 the LEA received a proposed remediation plan from the site consultant, BJ Bergmann. The LEA and the CIWMB are currently reviewing this plan and will be responding when Enforcement Agency review is complete.

INSTRUCTIONS ON BACK



Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow

EXAMPLE 1 2 3

**CIWMB Form 188 - Closure and Disposal Site Inspection Report**

Enforcement Agency: County of Sacramento, LEA

Page 2 of 2

Facility Name: DIXON PIT LANDFILL

Facility File Number: 34 AA 0007

Inspection Date: 05/26/2009

**Comments Continued:**

**3. VIOLATION - 27 CCR 21180 POSTCLOSURE MAINTENANCE:** As per notices issued on 02/11/2009, 03/10/2009, and 04/20/2009 the owner/operator of this site has failed to submit the Annual Inspection Report for 2008 as is required by the Final Post-Closure Maintenance Plan. This report is required annually and is to describe how maintenance of the landfill's final cover is to be maintained and how the site plans to handle issues concerning site drainage and site security. The inspection report dated 03/10/09 indicated that this report was to have been submitted to the LEA and the CIWMB by 03/09/09. This plan is now late and the site is in violation of this section. Failure to submit this plan within 30 days of the date of this notice may result in enforcement action.

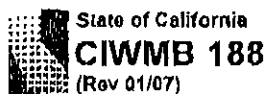
**4. VIOLATION - 27 CCR 21150 DRAINAGE AND EROSION CONTROL:** As per the inspection notices dated 12/22/08, 01/28/09, 02/11/09, 03/10/09, and 04/20/2009 areas of settlement are allowing conditions that support the ponding of water. State Law requires grading of fill surfaces to promote lateral runoff of precipitation and to prevent ponding. Prior inspection reports directed the site operator to re-grade site as weather permits in accordance with the Drainage Control Systems Maintenance Program in the Final Post Closure Maintenance Plan. Weather conditions are now dry enough to support the commencement of the required grading. The owner/operator of this site is hereby directed to complete the required grading of this site within 60 days of the date of this notice. Failure to complete the required grading of the site within the time frames specified may result in enforcement action.

In addition to the violations and Area of Concern noted above, the LEA has the following comments:

**1. 27 CCR 20933 (1). MONITORING FREQUENCY:** As of this date the site operator is conducting daily monitoring of landfill gas at LFG boundary probe 10-2. Results are being submitted to the LEA weekly. The LEA comments that the owner/operator of this site shall continue to conduct landfill gas monitoring of LFG Probe 10-2 daily and shall submit the results to the LEA at least once weekly until such time it is determined that this site is in compliance to the satisfaction of the LEA. In addition, monitoring results are to include all of the data recorded during the monitoring, including the data sheet that contains gas monitoring in 30 second increments, and all records pertaining to instrument calibration checks. Finally, due to changes in LEA personnel, all monitoring results are to be sent to the attention of Patricia Webb fax number 916-875-8513.

**2. 27 CCR 20937 (1) (2) (A) (B). REPORTING AND CONTROL OF EXCESSIVE LANDFILL GAS CONCENTRATIONS:** In the event that results of site monitoring for methane gas are found in excess of regulatory compliance requirements, the owner operator shall notify the LEA immediately by telephone or electronic means. Additionally, the owner operator shall within 7 days take steps to verify the validity of the monitoring results and shall submit a letter to the LEA that describes the levels of methane and trace gases detected, the extent of the problem based on the information available, the steps the operator has taken to protect public health and safety and the environment, and a brief description of any further corrective actions taken to control landfill gas.

**3. ENFORCEMENT ORDER STATUS:** The Enforcement Order issued on 09/30/2009 remains in effect. As of this date, the operator is not in compliance with all of the terms and conditions stated in this Notice. The Notice and Order was appealed and a hearing is in progress. Notice and Order status will be updated at the conclusion of this hearing.



California Integrated Waste Management Board

## Closed Disposal Site Inspection Report

Page 1 of 2

Enforcement Agency: County of Sacramento, LEA		For Official CIWMB Use Only Received Date	
FACILITY FILE NUMBER (99-xx-9999) 34 - A A - 0007		INSPECTION DATE (MM/DD/YYYY) 06 / 24 / 2009	
PROGRAM CODE (Select only one code) <input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In:	Inspection Time
		Time Out:	<input type="radio"/> Attachments On File (Not Scanned)
Facility Name DIXON PIT LANDFILL		Received By (Operator) Signature U.S. Mail & Fax	
Facility Location 8973 ELK GROVE-FLORIN ROAD		Owner Signature (if present) N/A	
Inspector Patrice Webb		Also Present (Name) Lea Gibson	

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 26 OF THE PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).  
THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21180 - POSTCLOSURE MAINTENANCE	<input checked="" type="radio"/>	<input type="radio"/>	21150 - DRAINAGE/EROSION CONTROL	<input checked="" type="radio"/>	<input type="radio"/>
21190 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS		
GAS MONITORING AND CONTROL SYSTEMS			20780 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20810 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20919 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21180 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20919.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY		
20821 - GAS MONITORING AND CONTROLS	<input checked="" type="radio"/>	<input type="radio"/>	20930 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20924 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20931 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS		
20932 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20934 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20937 - CONTROL	<input checked="" type="radio"/>	<input type="radio"/>	CLOSURE PLANS		
GRADING/FINAL COVER			21800 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20850 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21800 - REVISION OF APPROVED PLANS FOR C/P/C MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER		
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

1. VIOLATION - 27CCR 20921 GAS MONITORING AND CONTROL: LEA staff arrived on site at 9:30am to conduct landfill gas monitoring. Upon arrival, staff met Jim Emslander who is the site employee responsible for conducting the site's landfill gas monitoring. Mr. Emslander was in the process of completing monitoring of LFG boundary probe 10-2. Mr. Emslander reported to the LEA that his monitoring results were 5.7% by volume. At approximately 10:15am, LEA staff conducted monitoring of landfill gas monitoring probe 10-2 and measured a result of 5.4% by volume in this probe. As of this date, this site is in violation of 27 CCR 20921. During a conversation with the LEA, Mr. Emslander indicated that he would not be reporting his results on his weekly landfill gas monitoring report submitted to the LEA. Emslander indicated that he would not be reporting these results because he usually conducts his monitoring results in the afternoon and that he monitors in the mornings only for the purpose of trying to see what results may be in the probe before he conducts the actual monitoring. The LEA notified Emslander that any time methane gas was found above 5% by volume this constitutes a violation and that he is to report this and all monitoring events conducted at the landfill with readings above the regulatory compliance standard to the LEA in accordance with this section. Mr. Emslander also reported that the landfill gas flare was not functional at this time due to low levels of gas to the flare. Site operator is notified that a violation of 27 CCR 20921 exists at any time landfill gas monitoring reveals landfill gas above the regulatory compliance standard of 5% by volume and that the site must take steps necessary to correct this violation.

INSTRUCTIONS ON BACK

Correct ☒ Incorrect ☐ ☐ ☐

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow

EXAMPLE 1 2 3



**CIWMB Form 188 - Closed Disposal Site Inspection Report**

Enforcement Agency: County of Sacramento, LEA

Page 2 of 2

Facility Name: DIXON PIT LANDFILL

Facility File Number: 34 AA 0007

Inspection Date: 06/24/2009

**Comments Continued:**

**2. VIOLATION - 27 CCR 20937 LANDFILL GAS CONTROL:** As per the notice issued by the LEA dated 01-28-09 the site owner/operator was directed to submit a landfill gas remediation plan to address landfill gas at the site boundary. As per regulatory requirements the landfill gas remediation plan was to describe the nature and extent of the problem and the proposed remedy. This plan was to have been reviewed and approved by the LEA and the CIWMB and implemented within 60 days of the date of the notice dated 1-28-09. The due date for this plan was March 30, 2009. As of this date, an approved remediation plan has not been implemented. On May 08, 2009 the LEA received a proposed remediation plan from the site consultant, BJ Bergmann. The LEA and the CIWMB have reviewed this plan and have responded under a separate letter that the plan as submitted does not meet the requirements for a landfill gas remediation plan and that approval of this plan has not been granted. Notification is given that failure to implement an approved landfill gas remediation plan constitutes a violation of State Law, and that failure to comply may result in enforcement actions being taken against the site.

**3. VIOLATION - 27 CCR 21180 POSTCLOSURE MAINTENANCE:** As per notices issued on 02/11/2009, 03/10/2009, 04/20/2009, and 5/28/2009 the owner operator of this site has failed to submit the Annual Inspection Report for 2008 as is required by the Final Post-Closure Maintenance Plan. This report is required annually and is to describe how maintenance of the landfill's final cover is to be maintained and how the site plans to handle issues concerning site drainage and site security. The inspection report dated 03/10/09 indicated that this report was to have been submitted to the LEA and the CIWMB by 03/09/09. This plan is now late and the site is in violation of this section. The inspection report dated 5/28/09 stated that failure to submit this plan within 30 days may result in enforcement action. As per the 05/26/09 notice, the final due date to avoid potential enforcement action for plan submittal is to be 06/26/09.

**4. VIOLATION - 27 CCR 21150 DRAINAGE AND EROSION CONTROL:** As per the inspection notices dated 12/22/08, 01/28/09, 02/11/09, 03/10/09, 04/20/2009 and 05/28/09 areas of settlement are allowing conditions that support the ponding of water. State Law requires grading of fill surfaces to promote lateral runoff of precipitation and to prevent ponding. Prior inspection reports directed the site operator to re-grade site as weather permits in accordance with the Drainage Control Systems Maintenance Program in the Final Post Closure Maintenance Plan. Weather conditions are now dry enough to support the commencement of the required grading. During the inspection conducted on 05/26/09, the owner/operator was directed to complete the required grading of this site within 60 days. As per this notice, grading is to be complete by 07/26/09. Failure to complete the required grading of the site within the time frames specified may result in enforcement action.

In addition to the violations and Area of Concern noted above, the LEA has the following comments:

**1. 27 CCR 20933 (1). MONITORING FREQUENCY:** As of this date the site operator is conducting daily monitoring of landfill gas at LFG boundary probe 10-2. Results are being submitted to the LEA weekly. The LEA comments that the owner/operator of this site shall continue to conduct landfill gas monitoring of LFG Probe 10-2 daily and shall submit the results to the LEA at least once weekly until such time it is determined that this site is in compliance to the satisfaction of the LEA. In addition, monitoring results are to include all of the data recorded during the monitoring, including the data sheet that contains gas monitoring in 30 second increments, and all records pertaining to instrument calibration checks. Finally, due to changes in LEA personnel, all monitoring results are to be sent to the attention of Patrice Webb fax number 916-875-8513.

**2. 27 CCR 20937 (1) (2) (A) (B). REPORTING AND CONTROL OF EXCESSIVE LANDFILL GAS CONCENTRATIONS:** In the event that results of site monitoring for methane gas are found in excess of regulatory compliance requirements, the owner operator shall notify the LEA immediately by telephone or electronic means. Additionally, the owner operator shall within 7 days take steps to verify the validity of the monitoring results and shall submit a letter to the LEA that describes the levels of methane and trace gases detected, the extent of the problem based on the information available, the steps the operator has taken to protect public health and safety and the environment, and a brief description of any further corrective actions taken to control landfill gas. Please note that reporting of landfill gas must follow the requirements set forth in 27 CCR 20937 (1) (2) (A) (B) at any time landfill gas is detected above the regulatory compliance level of 5% by volume at the site boundary.

**3. ENFORCEMENT ORDER STATUS:** The Enforcement Order issued on 09/30/2009 remains in effect. As of this date, the operator is not in compliance with all of the terms and conditions stated in this Notice. The Notice and Order was appealed and a hearing has been conducted. As of this date the affected parties are awaiting a decision by the Court. Notice and Order status will be updated as soon as the Court's decision is received.



California Integrated Waste Management Board  
**Closed Disposal Site Inspection Report**

Page 1 of 2

Enforcement Agency: <u>County of Sacramento, LEA</u>		For Official CIWMB Use Only Received Date	
FACILITY FILE NUMBER (88-xx-9999) <b>34 - AA - 0007</b>		INSPECTION DATE (MM/DD/YYYY) <b>07/30/2009 /</b>	
PROGRAM CODE (Select only one code) <input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In:	Inspection Time
		Time Out:	<input type="radio"/> Attachments On File (Not Scanned)
Facility Name <b>DIXON PIT LANDFILL</b>		Received By (Operator) Signature <b>U.S. Mail &amp; Fax</b>	
Facility Location <b>8973 BLK GROVE-FLORIN ROAD</b>		Owner Signature (if present) <b>N/A</b>	
Inspector <b>Patrice Webb</b>		Also Present (Name) <b>Lea Gibson</b>	
Inspector Signature			

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC), AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).

THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21180 - POSTCLOSURE MAINTENANCE	<input checked="" type="radio"/>	<input type="radio"/>	21150 - DRAINAGE/EROSION CONTROL	<input checked="" type="radio"/>	<input type="radio"/>
21190 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS		
GAS MONITORING AND CONTROL SYSTEMS			20700 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20018 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20918 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21180 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20919.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY		
20921 - GAS MONITORING AND CONTROLS	<input checked="" type="radio"/>	<input type="radio"/>	20530 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20923 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20925 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20931 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS		
20932 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20934 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20937 - CONTROL	<input checked="" type="radio"/>	<input type="radio"/>	CLOSURE PLANS		
GRADING/FINAL COVER			21880 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20650 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21890 - REVISION OF APPROVED PLANS FOR CPC MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER		
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

**1. VIOLATION - 27CCR 20921 GAS MONITORING AND CONTROL:** On 7-30-2009 the LEA conducted landfill gas testing this date at probe 10-2. Gas readings taken at the medium probe were 4.4%. Although landfill gas monitoring as conducted by the LEA did not indicate a violation of the landfill gas standard, site operator, Five Star Auto and Towing Inc has submitted landfill gas monitoring results that have indicated gas levels of 5.5% by volume on 07-29-2008, and 5.1 % by volume on 7-30-2009. As of this date, this site continues to have violations of the landfill gas standard. The site owner operator is notified that these continual exceedances of 27 CCR 20921 constitute a chronic and unabated violation of State Law. Failure to take measures to control landfill gas at the site boundary will result in continued enforcement action. \*\*Please see note number 1 below with respect to landfill gas monitoring submittals

**2. VIOLATION - 27 CCR 20937 LANDFILL GAS CONTROL:** As per the notice issued by the LEA dated 01-28-2009 the site owner/operator was directed to submit a landfill gas remediation plan to address landfill gas at the site boundary. As per regulatory requirements the landfill gas remediation plan was to describe the nature and extent of the problem and the proposed remedy. This plan was to have been reviewed and approved by the LEA and the CIWMB and implemented within 60 days of the date of the notice dated 1-28-2009. The due date for this plan was 3-3-2009. On 5-8-2009 the LEA received a proposed remediation plan from the site consultant, BJ Bergmann. The LEA and the CIWMB have reviewed this plan and have responded under a separate letter that the plan as submitted does not meet the requirements for a landfill gas remediation plan and that approval of this plan has not been granted. As of this date, the owner/operator has not submitted a landfill gas remediation plan and the site continues to be in violation of regulatory compliance levels at the site boundary.

INSTRUCTIONS ON BACK

Correct: ● Incorrect: ○

EXAMPLE 1 2 3

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow

**CIWMB Form 188 - Closed Disposal Site Inspection Report**

Enforcement Agency: County of Sacramento, LEA

Page 2 of 2

Facility Name: DIXON PIT LANDFILL

Facility File Number: 34 AA 0007

Inspection Date: 07/30/2009

**Comments Continued:**

**1. VIOLATION - 27 CCR 21190 POSTCLOSURE MAINTENANCE:** As per notices issued on 02/11/2009, 03/10/2009, 04/20/2009, 5/26/2009 and 6/24/2009, the owner operator of this site has failed to submit the Annual Inspection Report for 2008 as is required by the Final Post-Closure Maintenance Plan. This report is required annually and is to describe how maintenance of the landfill's final cover is to be maintained and how the site plans to handle issues concerning site drainage and site security. The inspection report dated 03/10/09 indicated that this report was to have been submitted to the LEA and the CIWMB by 03/09/09. This plan is now late and the site is in violation of this section. The inspection report dated 5/26/09 stated that failure to submit this plan within 30 days may result in enforcement action. As per the 05/26/09 notice, the final due date to avoid potential enforcement action for plan submittal was to have been 06/26/09. As of this date this plan has not been received and non compliance with this requirement is now subject to enforcement action.

**4. VIOLATION - 27 CCR 21150 DRAINAGE AND EROSION CONTROL:** As per the inspection notices dated 12/22/08, 01/28/09, 02/11/09, 03/10/09, 04/20/2009 and 05/26/09, 6/24/2009 areas of settlement are allowing conditions that support the ponding of water. State Law requires grading of fill surfaces to promote lateral runoff of precipitation and to prevent ponding. Prior inspection reports directed the site operator to re-grade site as weather permits in accordance with the Drainage Control Systems Maintenance Program in the Final Post Closure Maintenance Plan. Weather conditions are now dry enough to support the commencement of the required grading. During the inspection conducted on 05/26/09, the owner/operator was directed to complete the required grading of this site within 60 days of the date of that notice. As per this notice, grading was to have been complete by 07/26/09. As of this date, grading has not been completed and the failure to complete the required grading of the site within the time frames specified is now subject to enforcement action.

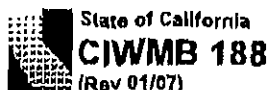
In addition to the violations and Area of Concern noted above, the LEA has the following comments:

**1. 27 CCR 20933 (1) MONITORING FREQUENCY:** As of this date the site operator is conducting daily monitoring of landfill gas at LFG boundary probe 10-2. Results are being submitted to the LEA weekly. The LEA comments that the owner/operator of this site shall continue to conduct landfill gas monitoring of LFG Probe 10-2 daily and shall submit the results to the LEA at least once weekly until such time it is determined that this site is in compliance to the satisfaction of the LEA.

As is required, the site operator is submitting landfill gas monitoring results to the LEA that contains all of the data recorded during the monitoring. As per the test data submitted, gas testing is conducted for 10 minutes or more with readings recorded every 30 seconds. The results recorded by the operator are readings taken at the end of the testing period, which as indicated above is often 10 minutes or more. In several of the test results submitted, there is a period of time where gas readings are above regulatory compliance levels and a stabilization of gases has been observed for a period of 2-3 minutes. Please note, that landfill gas readings are to be recorded as soon as stabilization of methane and all other gases has occurred for 30 seconds pursuant to the CIWMB Gas Monitoring Protocol (see May 2008 final Notice and Order). Waiting until readings decrease before recording results is not an acceptable means of recording landfill gas readings. Gas readings above the regulatory compliance levels that are found when stabilization occurs, will be considered a violation.

**2. 27 CCR 20937 (1) (2) (A) (B) REPORTING AND CONTROL OF EXCESSIVE LANDFILL GAS CONCENTRATIONS:** In the event that results of site monitoring for methane gas are found in excess of regulatory compliance requirements, the owner operator shall notify the LEA immediately by telephone or electronic means. Additionally, the owner operator shall within 7 days take steps to verify the validity of the monitoring results and shall submit a letter to the LEA that describes the levels of methane and trace gases detected, the extent of the problem based on the information available, the steps the operator has taken to protect public health and safety and the environment, and a brief description of any further corrective actions taken to control landfill gas. Please note that reporting of landfill gas must follow the requirements set forth in 27 CCR 20937 (1) (2) (A) (B) at any time landfill gas is detected above the regulatory compliance level of 5% by volume at the site boundary.

**3. ENFORCEMENT ORDER STATUS:** The Enforcement Order issued on 09/30/2008 remains in effect. As of this date, the operator is not in compliance with all of the terms and conditions stated in this Notice. The Notice and Order was appealed and a hearing has been conducted. On July 24, 2009, the appeal filed by Five Star Auto and Towing Inc. site property owner and Super Pallet Recycling Corporation the site operator was denied and the Notice and Order was upheld.



California Integrated Waste Management Board

## Closed Disposal Site Inspection Report

Page 1 of 2

Enforcement Agency: County of Sacramento, LEA		For Official CIWMB Use Only Received Date	
FACILITY FILE NUMBER (88-xx-8983) 34 - AA - 0007		INSPECTION DATE (MM/DD/YYYY) 08/25/2009	
PROGRAM CODE (Select only one code) <input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In:	Inspection Time
		Time Out:	<input type="radio"/> Attachments On File (Not Scanned)
Facility Name DIXON PIT LANDFILL		Received By (Operator) Signature U.S. Mail & Fax	
Facility Location 8973 ELK GROVE-FLORIN ROAD		Owner Signature (If present) N/A	
Inspector Patricia Webb		Also Present (Name) Lea Gibson	

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC), AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR). THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21180 - POSTCLOSURE MAINTENANCE	<input checked="" type="radio"/>	<input type="radio"/>	21150 - DRAINAGE/EROSION CONTROL	<input checked="" type="radio"/>	<input type="radio"/>
21380 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS		
GAS MONITORING AND CONTROL SYSTEMS			20790 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20918 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20919 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21160 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20919.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY		
20821 - GAS MONITORING AND CONTROLS	<input checked="" type="radio"/>	<input type="radio"/>	20530 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20923 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20925 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20831 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS		
20832 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20834 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20937 - CONTROL	<input checked="" type="radio"/>	<input type="radio"/>	CLOSURE PLANS		
GRADING/FINAL COVER			21860 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20650 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21890 - REVISION OF APPROVED PLANS FOR C/PC MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER		
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

1. **VIOLATION - 27CCR 20921 GAS MONITORING AND CONTROL:** LEA staff conducted landfill gas monitoring today at probe 10-2. Gas readings taken at the medium probe were 5.0%. Although today's landfill gas monitoring conducted by the LEA did not indicate a violation of the landfill gas standard, gas monitoring conducted by the site operator, Five Star Auto and Towing Inc has indicated that gas levels above the regulatory compliance standard of 5.0% by volume are still being observed during the site's required daily monitoring for landfill gas. Results taken by the operator are as follows: 8-12-09: 5.1% by volume observed for a period of 60 seconds. All other gasses were stabilized during this time. 8-14-09: 5.2% by volume taken for a period of 60 seconds. All other gasses were stabilized during this time. 8-19-09: 5.4% by volume taken for a period of 180 seconds. All other gasses were stabilized during this time.

LEA review of the above mentioned landfill gas monitoring results dated 8-12-09, 8-14-09, and 8-19-09, indicates that gas monitoring is being conducted for periods of 10 minutes or more. Landfill gas results taken on these dates reach a peak at approximately 3 to 5 minutes into testing and then begin to decline thereafter. The LEA comments that monitoring for landfill gas for these long periods of time may result in a probe purging that is not accurately reflective of landfill gas migration occurring in the probe. Landfill gas monitoring results are to be recorded as soon as the landfill gas readings stabilize for 30 seconds. Gas readings found after 30 second stabilization of gasses has occurred are to be noted as final results on gas reports submitted to the LEA. Monitoring results in excess of 5.0% by volume found when gasses stabilize are to be recorded as a violation of the landfill gas standard.

2. **VIOLATION - 27 CCR 20937 LANDFILL GAS CONTROL:** As per the inspection notice issued by the LEA dated 01-28-2009 the site owner/operator was directed to submit a landfill gas remediation plan to address landfill gas at the site boundary. As per regulatory requirements, the landfill

INSTRUCTIONS ON BACK

Correct: ☒ Incorrect: ☐

EXAMPLE 123

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow

**CIWMB Form 188 - Closed Landfill Site Inspection Report**

Enforcement Agency: County of Sacramento, LEA

Page 2 of 2

Facility Name: DIXON PIT LANDFILL

Facility File Number: 34 AA 0007

Inspection Date: 08/25/2009

**Comments Continued:**

gas remediation plan was to describe the nature and extent of the problem and the proposed remedy. This plan was to have been reviewed and approved by the LEA and the CIWMB and implemented within 60 days of the date of the notice dated 1-28-2009. The due date for this plan was 3-3-2009. On 5-8-2009 the LEA received a proposed remediation plan from the then site consultant, BJ Bergmann. The LEA and the CIWMB reviewed this plan and responded that the plan as submitted did not meet the requirements for a landfill gas remediation plan and that approval of the plan was not granted. As of this date, the owner/operator has not submitted a landfill gas remediation plan and the site continues to be in violation of regulatory compliance levels at the site boundary during routine monitoring conducted by the site owner/operator. Please note that as a result of this non-compliance, this site may be subject to further enforcement action.

**3. VIOLATION - 27 CCR 21180 POSTCLOSURE MAINTENANCE:** As per notices issued on 02/11/2009, 03/10/2009, 04/20/2009, 5/26/2009, 6/24/2009 and 07/30/2009, the owner operator of this site has failed to submit the Annual Inspection Report for 2008 as is required by the Final Post-Closure Maintenance Plan. This report is required annually and is to describe how maintenance of the landfill's final cover is to be maintained and how the site plans to handle issues concerning site drainage and site security. The inspection report dated 03/10/09 indicated that this report was to have been submitted to the LEA and the CIWMB by 03/09/09. This plan is now late and the site is in violation of this section. The inspection report dated 5/26/09 stated that failure to submit this plan within 30 days may result in enforcement action. As per the 05/26/09 notice, the final due date to avoid potential enforcement action for plan submittal was to have been 06/26/09. As of this date this plan has not been received and non compliance with this requirement is now subject to enforcement action.

**4. VIOLATION - 27 CCR 21160 DRAINAGE AND EROSION CONTROL:** As per the inspection notices dated 12/22/08, 01/28/09, 02/11/09, 03/10/09, 04/20/2009 and 05/26/09, 6/24/2009 and 07-30-2009 areas of settlement are allowing conditions that support the ponding of water. State Law requires grading of fill surfaces to promote lateral runoff of precipitation and to prevent ponding. Prior inspection reports directed the site operator to re-grade site as weather permits in accordance with the Drainage Control Systems Maintenance Program in the Final Post Closure Maintenance Plan. Weather conditions are now dry enough to support the commencement of the required grading. During the inspection conducted on 05/26/09, the owner/operator was directed to complete the required grading of this site within 60 days of the date of that notice. As per this notice, grading was to have been complete by 07/26/09. As of this date, grading has not been completed and the failure to complete the required grading of the site within the time frames specified is now subject to enforcement action. During today's inspection LEA staff walked the site with Jasmit Singh to discuss site grading that will need to be completed prior to winter to prevent ponding of water at the site. It was discussed that although current weather conditions were such that ponding of water would not occur, that grading of this site during the summer months was important to prevent drainage/ponding issues during the winter months when rain is likely. Notice is given that failure to complete grading at this site is a violation subject to enforcement action.

**5. AREA OF CONCERN - 27 CCR 20933 (1). MONITORING FREQUENCY:** As of this date the site operator is conducting daily monitoring of landfill gas at LFG boundary probe 10-2. Results are to be submitted to the LEA weekly. The LEA did not receive landfill gas results for the week of August 17. Although the LEA was provided with these test results during today's inspection, notice is given that as per the Notice and Order dated September 30, 2008 landfill gas monitoring results of daily monitoring must be submitted weekly. Failure to submit the monitoring results as is required is a violation of the Order and may result in an enforcement action.

In addition, the LEA has the following comments:

**1. 27 CCR 20937 (1) (2) (A) (B). REPORTING AND CONTROL OF EXCESSIVE LANDFILL GAS CONCENTRATIONS:** In the event that results of site monitoring for methane gas are found in excess of regulatory compliance requirements, the owner operator shall notify the LEA immediately by telephone or electronic means. Additionally, the owner operator shall within 7 days take steps to verify the validity of the monitoring results and shall submit a letter to the LEA that describes the levels of methane and trace gasses detected, the extent of the problem based on the information available, the steps the operator has taken to protect public health and safety and the environment, and a brief description of any further corrective actions taken to control landfill gas. Please note that reporting of landfill gas must follow the requirements set forth in 27 CCR 20937 (1) (2) (A) (B) at any time landfill gas is detected above the regulatory compliance level of 5% by volume at the site boundary.

**2. ENFORCEMENT ORDER STATUS:** The Enforcement Order issued on 09/30/2008 remains in effect. As of this date, the operator is not in compliance with all of the terms and conditions stated in this Notice. The Notice and Order was appealed to the State Office of Administrative Appeals and a hearing has been conducted. On July 24, 2009 the appeal filed by Five Star Auto and Towing Inc. site property owner and Super Pallet Recycling Corporation the site operator was denied and the Notice and Order was upheld. As of this date Super Pallet Recycling has filed an appeal to the CIWMB and the matter is waiting to be heard.



California Integrated Waste Management Board

## Closed Disposal Site Inspection Report

Page 1 of 2

Enforcement Agency: County of Sacramento, LEA		For Official CIWMB Use Only Received Date:	
FACILITY FILE NUMBER (99-xx-9999) 34 - AA - 0007		INSPECTION DATE (MM/DD/YYYY) 09/23/2009	
PROGRAM CODE (Select only one code) <input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In:	Inspection Time
		Time Out:	<input type="checkbox"/> Attachments On File (Not Scanned)
Facility Name DIXON PIT LANDFILL		Received By (Operator) Signature U.S. Mail & Fax	
Facility Location 8973 ELK GROVE-FLORIN ROAD		Owner Signature (if present) N/A	
Inspector Patrice Webb		Also Present (Name) L. Todd, M. Len, G. Len, P. Markum, J. Singh, J. Emslander	

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).

THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21100 - POSTCLOSURE MAINTENANCE	<input checked="" type="radio"/>	<input type="radio"/>	21160 - DRAINAGE/EROSION CONTROL	<input checked="" type="radio"/>	<input type="radio"/>
21190 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS	<input type="radio"/>	<input type="radio"/>
GAS MONITORING AND CONTROL SYSTEMS	<input type="radio"/>	<input type="radio"/>	20790 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20010 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20010 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21180 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20910 - EXPLOSIVE/GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY	<input type="radio"/>	<input type="radio"/>
20921 - GAS MONITORING AND CONTROLS	<input checked="" type="radio"/>	<input type="radio"/>	20530 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20820 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20925 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21197 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20031 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS	<input type="radio"/>	<input type="radio"/>
20032 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20930 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20034 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20097 - CONTROL	<input checked="" type="radio"/>	<input type="radio"/>	CLOSURE PLANS	<input type="radio"/>	<input type="radio"/>
GRADING/FINAL COVER	<input type="radio"/>	<input type="radio"/>	21890 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20550 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21890 - REVISION OF APPROVED PLANS FOR CIPC MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER	<input type="radio"/>	<input type="radio"/>
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

Conducted site inspection with Mark Len, the Court appointed receiver for the Dixon Pit Landfill. Also present were Greg Len of the Court appointed receiver's office, Pat Markum, Council for Gyan Kalwan, site operator, Jasmit Singh property owner, and Jim Emslander employee responsible for landfill gas monitoring. The purpose of this inspection meeting was to allow the Court appointed receiver to become familiar with the site and what is required for regulatory compliance to be achieved. Inspection consisted of LEA landfill gas monitoring of LFG 10-2, and also a tour of the site to discuss drainage and grading issues noted during LEA inspections. As a result of this inspection the following was noted:

1. **VIOLATION - 27CCR 20921 GAS MONITORING AND CONTROL:** At approximately 9:30 am LEA staff conducted landfill gas monitoring at probe 10-2 medium. Gas readings taken at the medium probe were 6.3%. Landfill gas monitoring conducted by Jim Emslander at approximately 10:30am confirmed the LEA's reading of 6.3% gas by volume in this probe. Mr. Emslander conducted this monitoring accompanied by Jasmit Singh, Pat Markum, and Greg Len. As of this date this site is in chronic violation of the landfill gas standard in that landfill gas monitoring results taken over time have consistently found the landfill in violation. This site remains in violation of the Notice and Order dated 9-30-08. State Law requires that landfill gas be below 5% by volume at the site boundary and notice is given that failure to correct this violation will result in enforcement of the Notice and Order.

2. **VIOLATION - 27 CCR 20937 LANDFILL GAS CONTROL:** As per the inspection notice issued by the LEA dated 01-28-2009 the site owner/operator was directed to submit a landfill gas remediation plan to address landfill gas at the site boundary. As per regulatory requirements, the landfill gas remediation plan was to describe the nature and extent of the problem and the proposed remedy. This plan was to have been reviewed and approved by the LEA and the CIWMB and implemented within 60 days of the date of the notice dated 1-28-2009. The due date for this plan was 3-3

INSTRUCTIONS ON BACK

Correct: ☒ Incorrect: ☐

EXAMPLE 1 2 3

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow

**CIWMB Form 188 - Closed Disposal Site Inspection Report**

Enforcement Agency: County of Sacramento, LEA

Page 2 of 2

Facility Name: DIXON PIT LANDFILL

Facility File Number: 34 AA 0007

Inspection Date: 09/23/2009

**Comments Continued:**

-2009. On 5-8-2009 the LEA received a proposed remediation plan from the then site consultant, BJ Bergmann. The LEA and the CIWMB reviewed this plan and responded that the plan as submitted did not meet the requirements for a landfill gas remediation plan and that approval of the plan was not granted. As of this date, the owner/operator has not submitted a landfill gas remediation plan and the site continues to be in violation of regulatory compliance levels at the site boundary during routine monitoring conducted by the site owner/operator. Please note that as a result of this non-compliance, this site may be subject to further enforcement action. During the on-site meeting with Court appointed receiver, Mark Len the importance of this plan was discussed in order to achieve landfill gas control at the site boundary.

**3. VIOLATION - 27 CCR 21180 POSTCLOSURE MAINTENANCE:** As per notices issued on 02/11/2009, 03/10/2009, 04/20/2009, 5/26/2009, 6/24/2009, 07/30/2009 and 08-25-2009, the owner operator of this site has failed to submit the Annual Inspection Report for 2008 as is required by the Final Post-Closure Maintenance Plan. This report is required annually and is to describe how maintenance of the landfill's final cover is to be maintained and how the site plans to handle issues concerning site drainage and site security. The inspection report dated 03/10/09 indicated that this report was to have been submitted to the LEA and the CIWMB by 03/09/09. This plan is now late and the site is in violation of this section. The inspection report dated 5/26/09 stated that failure to submit this plan within 30 days may result in enforcement action. As per the 05/26/09 notice, the final due date to avoid potential enforcement action for plan submittal was to have been 06/26/09. As of this date this plan has not been received and non compliance with this requirement is now subject to enforcement action. The submittal of this plan was discussed with the Court appointed receiver during today's inspection. The LEA informed the Receiver that this plan was a requirement on an annual basis and was for the purpose of addressing site drainage and settlement issues that are in need of maintenance throughout the life of a landfill.

**4. VIOLATION - 27 CCR 21150 DRAINAGE AND EROSION CONTROL:** As per the inspection notices dated 12/22/08, 01/28/09, 02/11/09, 03/10/09, 04/20/2009 and 05/26/09, 6/24/2009 07-30-2009 and 08-25-2009 areas of settlement are allowing conditions that will support the ponding of water during the winter months. State Law requires grading of fill surfaces to promote lateral runoff of precipitation and to prevent ponding. As per past notices issued, grading to correct drainage violations noted during the 2008/2009 rainy season was to have been complete by 07/26/09. As of this date, the site owner/operator Jasmit Singh has attempted to correct some of the drainage issues seen on the landfill's southern boundary adjacent to the parking lot for Five Star Towing; however several areas of landfill settlement remain. During today's inspection LEA staff discussed drainage issues with Mark Len, Jasmit Singh, and Pal Markum and Greg Len. It was discussed that although current weather conditions were such that ponding of water would not occur, grading of this site during the summer months was important to prevent drainage/ponding issues during the winter months when rain is likely.

As noted in past inspections the LEA also has the following comments:

**1. 27 CCR 20937 (1) (2) (A) (B). REPORTING AND CONTROL OF EXCESSIVE LANDFILL GAS CONCENTRATIONS:** In the event that results of site monitoring for methane gas are found in excess of regulatory compliance requirements, the owner operator shall notify the LEA immediately by telephone or electronic means. Additionally, the owner operator shall within 7 days take steps to verify the validity of the monitoring results and shall submit a letter to the LEA that describes the levels of methane and trace gases detected, the extent of the problem based on the information available, the steps the operator has taken to protect public health and safety and the environment, and a brief description of any further corrective actions taken to control landfill gas. Please note that reporting of landfill gas must follow the requirements set forth in 27 CCR 20937 (1) (2) (A) (B) at any time landfill gas is detected above the regulatory compliance level of 5% by volume at the site boundary.

**2. ENFORCEMENT ORDER STATUS:** The Enforcement Order issued on 09/30/2008 remains in effect. As of this date, the operator is not in compliance with all of the terms and conditions stated in this Notice. The Notice and Order was appealed to the State Office of Administrative Appeals and a hearing has been conducted. On July 24, 2009 the appeal filed by Five Star Auto and Towing Inc. site property owner and Super Pallet Recycling Corporation the site operator was denied and the Notice and Order was upheld. As of this date Super Pallet Recycling has filed an appeal to the CIWMB and the matter is waiting to be heard.



California Integrated Waste Management Board

## Closed Disposal Site Inspection Report

Page 1 of 2

Enforcement Agency: County of Sacramento, LEA		For Official CIWMB Use Only	
FACILITY FILE NUMBER (99-xx-8888)		INSPECTION DATE (MM/DD/YYYY)	
34 - AA - 0007		10/15/2009 /	
PROGRAM CODE (Select only one code)		Time In: Inspection Time	
<input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time Out: Attachments On File (Not Scanned)	
Facility Name DIXON PIT LANDFILL		Received By (Operator) Signature U.S. Mail & Fax	
Facility Location 8973 ELK GROVE-FLORIN ROAD		Owner Signature (if present) N/A	
Inspector Patrice Webb		Also Present (Name) L. Todd, M. Len, G. Len, P. Markum, J. Singh, J. Emsland	

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC), AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).  
THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20730 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21160 - POSTCLOSURE MAINTENANCE	<input checked="" type="radio"/>	<input type="radio"/>	21150 - DRAINAGE/EROSION CONTROL	<input checked="" type="radio"/>	<input type="radio"/>
21190 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS		
GAS MONITORING AND CONTROL SYSTEMS			20780 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20018 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20918 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21160 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20919.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY		
20821 - GAS MONITORING AND CONTROLS	<input type="radio"/>	<input checked="" type="radio"/>	20530 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20923 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20826 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20931 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS		
20932 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20833 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20034 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20837 - CONTROL	<input checked="" type="radio"/>	<input type="radio"/>	CLOSURE PLANS		
GRADING/FINAL COVER			21880 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20838 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21690 - REVISION OF APPROVED PLANS FOR C/P/O MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER		
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

**1. AREA OF CONCERN - 27CCR 20821 GAS MONITORING AND CONTROL:** LEA staff conducted landfill gas monitoring at probe 10-2. Gas readings taken at the medium probe were 3.2%. Although no violation was found during today's landfill gas monitoring this site continues to experience elevated levels of methane during routine site monitoring conducted by the operator and the LEA.

**2. VIOLATION - 27 CCR 20837 LANDFILL GAS CONTROL:** As per the inspection notice issued by the LEA dated 01-28-2009 the site owner/operator was directed to submit a landfill gas remediation plan to address landfill gas at the site boundary. As per regulatory requirements, the landfill gas remediation plan was to describe the nature and extent of the problem and the proposed remedy. This plan was to have been reviewed and approved by the LEA and the CIWMB and implemented within 60 days of the date of the notice dated 1-28-2009. The due date for this plan was 3-3-2009. On 5-8-2009 the LEA received a proposed remediation plan from the then site consultant, BJ Bergmann. The LEA and the CIWMB reviewed this plan and responded that the plan as submitted did not meet the requirements for a landfill gas remediation plan and that approval of the plan was not granted. On September 23, 2009 the LEA met with Court appointed receiver Mark Len for a site tour and meeting to discuss how violations at this site would be remediated. During this meeting, the importance of the landfill gas plan was discussed. As of this date, the owner/operator has not submitted a landfill gas remediation plan and the site continues to experience violations of regulatory compliance levels at the site boundary during landfill gas monitoring conducted by the site owner/operator. Please note that as a result of this non-compliance, this site may be subject to further enforcement action.

INSTRUCTIONS ON BACK

Correct: ● Incorrect: ☒ ☓ ☑

EXAMPLE 1 2 3

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow



**CIWMB Form 188 - Closed Disposal Site Inspection Report**

Enforcement Agency: County of Sacramento, LEA

Page 2 of 2

Facility Name: DIXON PIT LANDFILL

Facility File Number: 34 AA 0007

Inspection Date: 10/15/2009

**Comments Continued:**

**3. VIOLATION - 27 CCR 21100 POST-CLOSURE MAINTENANCE:** As per notices issued on 02/11/2009, 03/10/2009, 04/20/2009, 5/26/2009, 6/24/2009, 07/30/2009, 08-25-2009 and 09-23-2009, the owner operator of this site has failed to submit the Annual Inspection Report for 2008 as is required by the Final Post-Closure Maintenance Plan. This report is required annually and is to describe how maintenance of the landfill's final cover is to be maintained and how the site plans to handle issues concerning site drainage and site security. The inspection report dated 03/10/09 indicated that this report was to have been submitted to the LEA and the CIWMB by 03/09/09. This plan is now late and the site is in violation of this section. The inspection report dated 5/26/09 stated that failure to submit this plan within 30 days may result in enforcement action. As per the 05/26/09 notice, the final due date to avoid potential enforcement action for plan submittal was to have been 06/26/09. The submittal of this plan was discussed with the Court appointed receiver during today's inspection. During the meeting held on 09-23-2009 with the Court Appointed Receiver it was discussed that this plan was a requirement on an annual basis and was for the purpose of addressing site drainage and settlement issues that are in need of maintenance throughout the life of a landfill. As of this date this plan has not been received and non compliance with this requirement is now subject to enforcement action.

**4. VIOLATION - 27 CCR 21150 DRAINAGE AND EROSION CONTROL:** As per the inspection notices dated 12/22/08, 01/28/09, 02/11/09, 03/10/09, 04/20/2009 and 05/26/09, 6/24/2009 07-30-2009, 08-25-2008 and 09-23-2009, areas of settlement are allowing conditions that will support the ponding of water during the winter months. State Law requires grading of fill surfaces to promote lateral runoff of precipitation and to prevent ponding. As per past notices issued, grading to correct drainage violations noted during the 2008/2009 rainy season was to have been complete by 07/26/09. As of this date, the site owner/operator Jasmit Singh has attempted to correct some of the drainage issues seen on the landfill's southern boundary adjacent to the parking lot for Five Star Towing; however several areas of landfill settlement remain. During the meeting held on 09-23-2009 with the Court Appointed Receiver and the site operator, LEA staff discussed drainage issues and the need to provide adequate grading on the landfill to prevent ponding of water. It was discussed that although current weather conditions were such that ponding of water would not occur, grading of this site during the summer months was important to prevent drainage/ponding issues during the winter months when rain is likely. As of this date, grading of this site remains unfinished and non-compliance with this requirement is now subject to enforcement action.

As noted in past inspections the LEA also has the following comments:

**1. 27 CCR 20937 (1) (2) (A) (B). REPORTING AND CONTROL OF EXCESSIVE LANDFILL GAS CONCENTRATIONS:** In the event that results of site monitoring for methane gas are found in excess of regulatory compliance requirements, the owner operator shall notify the LEA immediately by telephone or electronic means. Additionally, the owner operator shall within 7 days take steps to verify the validity of the monitoring results and shall submit a letter to the LEA that describes the levels of methane and trace gasses detected, the extent of the problem based on the information available, the steps the operator has taken to protect public health and safety and the environment, and a brief description of any further corrective actions taken to control landfill gas. Please note that reporting of landfill gas must follow the requirements set forth in 27 CCR 20937 (1) (2) (A) (B) at any time landfill gas is detected above the regulatory compliance level of 5% by volume at the site boundary.

**2. ENFORCEMENT ORDER STATUS:** The Enforcement Order issued on 09/30/2008 remains in effect. As of this date, the operator is not in compliance with all of the terms and conditions stated in this Notice. The Notice and Order was appealed to the State Office of Administrative Appeals and a hearing has been conducted. On July 24, 2009 the appeal filed by Five Star Auto and Towing Inc, site property owner and Super Pallet Recycling Corporation the site operator was denied and the Notice and Order was upheld. As of this date Super Pallet Recycling has filed an appeal to the CIWMB and the matter is waiting to be heard.

## ATTACHMENT 5

Countywide Services Agency

Environmental Management  
Department

Environmental Compliance Division  
Dennis Green, Chief



## County of Sacramento

Terry Schutten, County Executive  
Jim Hunt, Acting Agency Administrator  
Val F. Siebal, Department Director

### Dixon Pit Gas Violations since October 13, 2008:

Date	%CH4	Conducted By
10-13-08	8.7	Self Monitoring
10-11-08	7.2	Self Monitoring
10-17-08	6.6	Self Monitoring
11-11-08	6.0	Self Monitoring
12-04-08	7.7	Self Monitoring
12-11-08	6.5	Self Monitoring
<b>1-28-08</b>	<b>5.6</b>	<b>Self Monitoring</b>
1-30-08	5.9	Self Monitoring
2-07-09	7.4	Self Monitoring
2-09-09	5.3	Self Monitoring
<b>2-11-09</b>	<b>6.2</b>	<b>Self Monitoring</b>
2-13-09	6.1	Self Monitoring
2-14-09	6.7	Self Monitoring
2-15-09	6.7	Self Monitoring
2-16-09	8.0	Self Monitoring
2-21-09	6.0	Self Monitoring
2-22-09	6.5	Self Monitoring
2-23-09	6.4	Self Monitoring
3-02-09	7.3	Self Monitoring
3-03-09	5.4	Self Monitoring
3-22-09	5.2	Self Monitoring
3-28-09	5.7	Self Monitoring
<b>5-26-09</b>	<b>6.1</b>	<b>LEA Monitoring</b>
<b>6-24-09</b>	<b>5.4</b>	<b>LEA Monitoring</b>
6-24-09	5.7	*Self Monitoring (verbal)
7/29/09	5.5	Self Monitoring

<b>Date</b>	<b>%CH4</b>	<b>Conducted By</b>
7/30/09	5.1	Self Monitoring
8/14/09	5.2	Self Monitoring
8/19/09	5.4	Self Monitoring
<b>9/23/09</b>	6.3	<b>LEA Monitoring</b>
9/23/09	6.3	Self Monitoring
10/07/09	8.2	Self Monitoring

\* Operator reported to the LEA this methane reading taken in the morning but only submitted the "official" reading that was below 5 percent taken that same day in the afternoon. See inspection report for description.